

Testimony

House Bill 1464

House Agriculture Committee

Friday, January 28, 2005; 10:15 a.m.

North Dakota Department of Health

Good morning, Chairman Nicolas and members of the House Agriculture Committee. My name is David Glatt, and I am section chief of the Environmental Health Section for the North Dakota Department of Health. I am here today to provide information regarding the potential impact of House Bill 1464.

As currently written, House Bill 1464 could be in conflict with federal and state laws, specifically as they relate to the required public review and input process. This process ensures that the public has an opportunity to review and provide comment on a permit application and that actions taken by the government are transparent to all concerned. It is our experience that this process results in permits that are defensible not only in the court of law, but also in the court of public opinion. The way we interpret House Bill 1464 is that it could eliminate this transparent process and dictate that the state release only the name and address of the individual requesting a permit. I have no doubt that at some point this will result in a legal challenge costing either the producer or the state for appropriate legal council. It is also my understanding that there are federal laws which identify the type of information that must be available for review to the public for specific operations after the permit has been issued.

We are aware of some but not all of the concerns expressed by the producer groups. In an effort to get a better understanding of their concerns and to draft legislation that would be compliant with the public-input process and community right-to-know laws, we would like the opportunity to meet with representatives from these groups to draft amendments to this bill. The objective of the amendments would be to limit when and to whom information could be released.

This concludes my testimony. I would be happy to answer any questions you may have regarding this issue.